

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:20-CV-00039-KDB**

MICHAEL RINK,

Plaintiff,

v.

VICOF II TRUST,

Defendant.

ORDER

THIS MATTER is before the Court on its own motion to address Plaintiff's improper filing under seal of excerpts of testimony of VICOF II Trust (Joseph McCray) (Doc. No. 114). Pursuant to Local Rule 6.1(b) "no materials may be filed under seal except by Court order, pursuant to statute, or in accordance with a previously entered Rule 26(e) protective order." LCvR 6.1. Not only has no order been entered permitting Plaintiff to file this document under seal, Plaintiff has failed to make a request to file materials under seal, which must be made by formal motion pursuant to LCvR 7.1. *See* LCvR 6.1(c). Accordingly, the Court orders that the excerpts of testimony of VICOF II Trust (Joseph McCray) (Doc. No. 114) be unsealed on May 11, 2022 in the absence of an order permitting the filing to be made under seal or the filing of a proper motion requesting such an order.¹

¹ The Court notes the heavy burden under the First Amendment to limit the public's right of access that Plaintiff must meet to be successful in a motion to seal trial evidence. See *Duke Energy Carolinas, LLC v. NTE Carolinas II, LLC*, No. 3:19-CV-00515-KDB-DSC, 2022 U.S. Dist. LEXIS 69398 (W.D.N.C. Apr. 14, 2022).

SO ORDERED ADJUDGED AND DECREED.

Signed: May 8, 2022



Kenneth D. Bell
United States District Judge

